

REMARKS

Upon entry of the present amendment, claims 1-6, 8, 9, 22-25, 27-33 and 35-37 will be pending in this application. Claims 10, 11, 13-18, 20, 21, 26 and 38 are hereby cancelled. Claims 7, 12, 19 and 34 were previously cancelled. Claims 39-41 are new. Applicant submits that no new matter has been added by the present amendment.

Claims 1-3, 9-11, 22-23, 25-30 and 36-37 stand rejected under 35 U.S.C. § 103(a) as allegedly anticipated by U.S. Patent No. 6,087,937 (McCarthy) in view of U.S. Patent No. 6,011,473 (Klein). Claims 4-6, 8, 31-33 and 35 stand rejected under 35 U.S.C. § 103(a) for being unpatentable over McCarthy in view of Klein and in view of U.S. Patent No. 5,966,081 (Chesnutt). Claim 24 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McCarthy in view of Klein and in view of U.S. Patent No. 6,433,685 (Struble). Claims 13-18, 20-21 and 38 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,034,659 (Ungs) in view of Klein. Applicant respectfully traverses all outstanding rejections.

Interview Summary

Applicant's undersigned representative, Mr. Eiferman, and Examiner Nam Nguyen participated in a telephonic interview on July 17, 2007 to discuss the above claim amendments. Agreement was reached, and Examiner Nguyen stated that the above claim amendments appeared to overcome the rejections of record.

Claim Objections

Claim 35 is hereby amended to correct informalities noted in the Office Action.

Claim Rejections Under 35 U.S.C. § 103

1. Claims 1-3, 9-11, 22-23, 25-30 and 36-37 stand rejected under 35 U.S.C. § 103(a) as allegedly anticipated by U.S. Patent No. 6,087,937 (McCarthy) in view of U.S. Patent No. 6,011,473 (Klein). Applicant respectfully traverses.

Independent claims 1, 22, 28, 37, 39 and 40 recite a disabling signal that is transmitted at a rate that decreases corresponding to a duration of time that has expired since

DOCKET NO.: 305412.01 / MSFT-2783
Application No.: 10/676,967
Office Action Dated: May 25, 2007

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37 CFR § 1.116**

a device was reported lost. Applicant respectfully submits that none of the cited references teach or suggest this feature. During the July 17 interview, Examiner Nguyen agreed with Applicants that the cited references did not appear to teach or suggest this feature. Thus, Applicant respectfully submits that independent claims 1, 22, 28, 37, 39 and 40 are patentable over the cited references. Applicant further submits that claims 2-3, 9, 22-23, 25, 27, 29, 30, 36 and 41 are patentable at least by reason of their dependency. Claims 10, 11, and 26 are hereby cancelled.

2. Claims 4-6, 8, 31-33 and 35 stand rejected under 35 U.S.C. § 103(a) for being unpatentable over McCarthy in view of Klein and in view of U.S. Patent No. 5,966,081 (Chesnutt). Applicant respectfully traverses and submits claims 4-6, 8, 31-33 and 35 are patentable at least by reason of their dependency.

3. Claim 24 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McCarthy in view of Klein and in view of U.S. Patent No. 6,433,685 (Struble). Applicant respectfully traverses and submits claim 24 is patentable at least by reason of its dependency.

4. Claims 13-18, 20-21 and 38 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,034,659 (Ungs) in view of Klein. Applicant respectfully traverses. Claims 13-18, 20-21 and 38 are hereby cancelled.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103 rejections are respectfully requested.

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CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application is respectfully requested.

Date: August 27, 2007

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